

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	3:05-CR-00226-LRH-VPC
)	
vs.)	<u>ORDER</u>
)	
KENNETH ANDERSON,)	
)	
Defendant.)	
_____)	

Before the court is Defendant's Motion for Independent Chemical Analysis of Narcotics (Doc. #26), the Government's response thereto (Doc. #28), and the Defendant's reply to Government's response (Doc. #29).

Good cause appearing, IT IS HEREBY ORDERED that the Defendant's motion is granted subject to the conditions and modifications by the parties, which do not appear to be in dispute. Specifically:

1) That the DEA Southwestern Laboratory shall send to Analysis & Consulting in Toxicology, Inc., 1933 Davis Street, Suite 270, San Leandro, CA 94577 (Attn: Judith L. Stewart) no less than 500 milligrams nor more than 1 gram of the substance previously tested by Forensic Chemist Michael M. Broussard on November 15, 2005, and determined to be d-Methamphetamine HCL;

2) That Analysis & Consulting in Toxicology, Inc., shall complete the independent chemical analysis within 10 days of receipt of the sample from the DEA Southwestern Laboratory and return any unused portion of the sample to the DEA Southwestern Laboratory

1 with a return shipment date by the most readily available shipment date available, not to exceed
2 one week (7 days) following the completion of the independent chemical analysis;

3 3) That Analysis & Consulting in Toxicology, Inc., shall immediately return the
4 sample from the DEA Southwestern Laboratory should its DEA Controlled Substance
5 Registration Certificate, DEA Registration Number RA0324664, valid through June 30, 2007, be
6 revoked or suspended prior to conducting its analysis of the sample.

7 4) That a defense representative be present when the 1 gram of previously tested
8 substance is selected in order to ensure it is a representative sample. The court agrees with the
9 suggestion of counsel that the representatives of both the defense and the United States
10 Attorney's office be present at such time.

11 IT IS SO ORDERED.

12 DATED this 16th day of August, 2006.

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
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